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FACEBOOK, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FACEBOOK, INC.,

Plaintiff,

v.

POWER VENTURES, INC. a Cayman Island
Corporation; STEVE VACHANI, an
individual; DOE 1, d/b/a POWER.COM,
DOES 2-25, inclusive,

Defendants.

Case No. 5:08-cv-05780 JW

**DECLARATION OF THERESA A.
SUTTON IN SUPPORT OF
FACEBOOK, INC.'S MOTION TO
COMPEL DEFENDANTS TO
PERFORM THOROUGH SEARCH
FOR RESPONSIVE DOCUMENTS
AND FOR PRODUCTION THEREOF**

Judge: Hon. James Ware
Courtroom: 8, 4th Floor

1 I, Theresa A. Sutton, hereby declare as follows:

2 1. I am an attorney with the law firm of Orrick, Herrington & Sutcliffe, LLP, counsel
3 of record to Facebook, Inc. in the above-captioned matter. I make this declaration based on my
4 personal knowledge, unless otherwise noted. If called, I can and will testify competently to the
5 matters set forth herein.

6 2. Attached hereto as **Exhibit A** is a true and correct copy of an e-mail from
7 Steve Vachani to Joseph Cutler dated December 12, 2008.

8 3. Attached hereto as **Exhibit B** is a true and correct copy of an e-mail from
9 Joseph Cutler to Steve Vachani and Felipe Herrera dated December 15, 2008.

10 4. Attached hereto as **Exhibit C** is a true and correct copy of an e-mail from
11 Steve Vachani to Joseph Cutler dated December 17, 2008.

12 5. Attached hereto as **Exhibit D** is a true and correct copy of an e-mail chain between
13 Steve Vachani to Joseph Cutler dated December 4 and 5, 2008.

14 6. Attached hereto as **Exhibit E** is a true and correct copy of relevant excerpts from
15 the July 20, 2011, deposition transcript of Defendant Steve Vachani. [**DESIGNATED HIGHLY**
16 **CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER – LODGED UNDER SEAL**]

17 7. Attached hereto as **Exhibit F** is a true and correct copy of NYTimes.com article.
18 dated December 1, 2008, titled “Power.com: A One-Stop Shop for Social Networkers.”

19 8. Attached hereto as **Exhibit G** is a true and correct copy of Facebook’s First Set of
20 Requests for Production to Defendant Power Ventures, Inc., served on October 22, 2010.

21 9. Attached hereto as **Exhibit H** is a true and correct copy of Power Ventures, Inc.’s
22 Responses to Facebook’s First Set of Requests for Production, dated December 15, 2010.

23 10. Attached hereto as **Exhibit I** is a true and correct copy of Facebook’s First Set of
24 Interrogatories to Power Ventures, Inc., served on October 22, 2010.

25 11. Attached hereto as **Exhibit J** is a true and correct copy of Power Ventures, Inc.’s
26 Responses to Facebook’s First Set of Interrogatories dated December 15, 2010.

27 12. Attached hereto as **Exhibit K** is a true and correct copy of Facebook’s Second Set
28 of Requests for Production of Documents to Power Ventures, Inc. served on June 3, 2011.

SUTTON DECLARATION IN SUPPORT
OF MOTION TO COMPEL
5:08-CV-05780 JW